

**TOWN OF ELSMERE
BOARD OF ADJUSTMENTS
MEETING MINUTES
April 28, 2009
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Board Member Robert Husfelt – Absent
Board Member James Personti – Present
Board Member John Smith – Absent
Board Member Thomas Manuel – Present
Chairman Paul Chalfant – Present

NEW BUSINESS:

The Board of Adjustment Reviewed Petition 09-03 tax parcel number 1900-400-270 known as 204 Bungalow Ave.

Chairman Chalfant read a letter stating that the petitioner was unable to attend the meeting due to a medical emergency, his son-in-law a Mr. Jim Cullen has asked that the Board consider contacting him via speaker phone during the meeting. This was read aloud for the record.

Chairman Chalfant asked each Board Member their opinion on having the applicant present his case via speaker phone.

Board Member Personti stated he does not feel that a speaker phone hearing is appropriate.

Board Member Manual also felt that this was inappropriate.

The Board decided to discuss the petition in the applicant's absence.

Board Member Personti asked Code Enforcement Officer Keith Brown if the yard looks any different from the picture that was presented in the application.

Officer Brown stated that there is not much improvement upon the yard; all the applicant did was move around the clutter that is there.

Chairman Chalfant stated that he has visited the property prior to the hearing and he would like to see the applicant present to describe to him what changes have been made to the property, because he did not see much change, the property is still dull of clutter.

Board Member Manuel asked if the property owner would have to pay fines and still receive citations if the petition was continued to the next meeting.

Officer Brown explained that all action is stopped on the property until the appeal is handled.

Board Member Personti asked if the Board has the ability to table a petition for appeal.

5th District Councilwoman Joann Personti responded that this is the first appeal for the instant ticket system, with that being her reason for attendance. She does not believe that there is a rule stating whether that is appropriate.

1st District Councilman John Jaremchuk stated that in his experience as a judge there are two ways that this would go and those are to dismiss the case, or to continue the case onto another date.

Board Member Personti stated that he has a problem with tabling this petition because it defeats the purpose of the instant ticket, the property would be allowed to remain in violation until the date of the next Board of Adjustments meeting.

Board Member Manuel stated that they could table the petition until the next meeting with a condition that if the applicant does not attend a decision will be made in his absence.

Steve Burg, Councilman-Elect 2nd District stated that he feels that the petition should be denied because the applicant did not give sufficient notice of his inability to attend the meeting.

ACTION: A motion was made by Chairman Chalfant to table Petition 09-03 until the May 2009 Meeting to allow the applicant to attend the meeting, with a condition that the Board will make a decision at the May 2009 meeting regardless of the applicant's presence. The motion was seconded by Board Member Manuel.

VOTE:

All in favor Vote: 2-1 with 2 Absent Motion Carried

APPROVAL OF MINUTES:

Minutes from the January 27, 2009 Board of Adjustment Meeting

Only 2 Board Members that were present at the January 2009 meeting were present at this meeting, therefore no quorum was met, minutes will be placed on the May 2009 Board of Adjustments Agenda.

OLD BUSINESS:

None

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Board Member Personti to adjourn. The motion was seconded by Board Member Manuel.

VOTE:

All in favor

Vote: 3-0 with 2 Absent

Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the April 28, 2009 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECTRARY